

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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CHAPTER Agr 3200 HORTICULTURAL GROWING MEDIA

Statutory Authority: RSA 433-A:2, 433-A:5

PART Agr 3201 PURPOSE, APPLICABILITY AND DEFINITIONS

Adopt Chapter Agr 3200 to read as follows:

Agr 3201.01 Purpose. These rules implement the procedures of the department of agriculture, markets and food pursuant to RSA 433-A relative to the labeling, registration and distribution of horticultural growing media in New Hampshire.

Agr 3201.02 Applicability. These rules apply to any person who distributes horticultural growing media in the state.

Agr 3201.03 Definitions. The following words and terms shall have the meanings indicated when used in this chapter:

- (a) "Aged" means exposed to weathering and/or natural decay.
- (b) "Processed" means deliberately treated or manipulated to modify or transform physical, chemical, or biological characteristics of the natural state of the substance.
- (c) "Raw" means in the natural state, and not prepared, modified or manipulated for use.
- (d) "Registration document" means the forms supplied by the commissioner to the registrant intending to distribute a horticultural growing medium into or within New Hampshire.
- (e) "Wood" means the hard, fibrous material located beneath the bark, which constitutes the greatest part of the stems of trees and shrubs.

PART Agr 3202 REGISTRATION AND FEES

- (a) All registrants of horticultural growing media distributed in New Hampshire shall register each brand or product name with the commissioner on a registration document supplied by the commissioner.
- (b) All registrations expire on December 31 and shall be submitted on registration document forms provided by the commissioner before January 1.
- (c) No brand or product name shall be registered which misrepresents the product's primary component or component formulation.
- (d) Each brand or product name shall refer to a specific formulation. Different product names may refer to the same specific formulation. Products for which formulations change or are modified beyond the ranges reported in the registration document shall either be reregistered with a name which distinguishes them from the previous formulation, or production and distribution of the previous formulation shall cease.

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- (e) Reregistered products shall be accompanied by a new registration document for that formulation.
- (f) Each registration document shall be accompanied by a label or facsimile of a label for that product as named. If the same product is sold in more than one size, only one label sample need be submitted.
- (g) The registration document shall be prepared by the registrant for each brand or product name.
- (h) The registration document shall include the following information:
 - (1) The name of the registrant;
 - (2) The address and telephone number of the registrant;
 - (3) The name, title, and signature of the preparer and the date prepared;
 - (4) The name of the product;
 - (5) The package sizes of the product;
 - (6) A list of the physical components and properties of the product;
 - (7) A nutrient analysis of the product;
 - (8) The pH and soluble salt levels of the product; and
 - (9) The names of any other components that have been added to the product and their characteristics as shall be necessary to determine the product's conformance with the requirements of RSA 433-A:5.

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- (a) Label information may be printed on the bag containing the product, printed on a sticker placed on the bag, printed on a flyer or tag attached to the bag or in the case of bulk bags or bulk, any of the above or printed on a fact sheet accompanying the product shipment.
- (b) The commissioner shall require each label to contain the following minimum information:
 - (1) The brand or product name as registered;
 - (2) The volume of the product in quarts, cubic feet, yards and metric volumes, or the weight of the product in ounces, pounds and metric weights, as registered;
 - (3) A listing of all physical components whether organic or inorganic;
 - (4) Components shall be listed in order of decreasing amount by volume if they comprise at least 3 percent or more of total volume of the product;

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- (5) Components shall be described as follows:
- a. Bark products shall be described as raw, aged, processed or composted;
 - b. Bark shall also be specified as pine or softwood, being of the class Gymnosperm, or hardwood, being of the class Angiosperm;
 - c. Bark products shall include no more than 15 percent wood by volume;
 - d. Peat products shall be described as to whether they are sphagnum, hypnum, reedsedge, humus or other peat;
 - e. Wood products shall be described as raw, aged, processed or composted;
 - f. Readily degradable organic substances shall be listed and described as raw, aged, processed or composted; or
 - g. The base material(s) for any other composted product shall be described or listed;
- (6) Intended use statements, such as general recommendations for product use;
- (7) If cautionary warning of uses not recommended are made, they shall be stated in this section of the label;
- (8) An indication of whether the product contains minimum nutrients to sustain initial plant growth and does not need fertilizer;
- (9) An indication of whether the product requires the addition of fertilizer and at what time after planting the fertilizer is needed;
- (10) An address where further product information may be obtained, and a telephone number available during normal business hours for further product information;
- (11) For products intended for use by commercial growers, the date of manufacture, or the month and year of manufacture; and
- (12) If the date or month and year of manufacture is coded, sufficient information shall be provided to determine the date or month and year of manufacture from the code.
- (c) Additional information of an instructional or explanatory nature may be provided at the discretion of the registrant.